

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 1993-008378

10/08/2008

HON. GARY E. DONAHOE

CLERK OF THE COURT
S. Yoder
Deputy

STATE OF ARIZONA

WILLIAM W CLAYTON
KIRSTEN VALENZUELA

v.

EFREN MEDINA (A)

DANIEL B PATTERSON
ALAN ISSA TAVASSOLI

CAPITAL CASE MANAGER
VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY 26

PENALTY PHASE

State's exhibits 139.001, and 144 – 147 are marked for identification.

State's Attorney:	William W. Clayton and Kirsten Valenzuela
Defendant's Attorney:	Daniel B. Patterson and Alan I. Tavassoli
Defendant:	Present
Court Reporter:	Laura Ashbrook

10:40 a.m. Trial to jury continues from October 7, 2008.

The jury is not present.

The Court addresses Defendant regarding his allocution and the parameters for the allocution statement are set.

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State's exhibit 139.001 is received in evidence.

State's exhibit 144 is received in evidence.

Defendant's objection to State's exhibits 145, 146 and 147 is overruled, and same are received in evidence.

10:58 a.m. The jury is present.

The State rests its rebuttal case.

Defendant makes his allocution statement.

12:04 p.m. Court stands at recess.

1:35 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Laura Ashbrook is present.

The jury is not present.

During his allocution this morning, Defendant referred to a letter from Angela (Calderon) Gomez. The letters from Ms. Gomez contained in State's exhibits 72, 73 and 74 are not in evidence. Discussion is held regarding same. The State is not moving to admit the exhibits and Mr. Medina does not intend to refer to them during the remainder of his statement.

1:38 p.m. The jury is present.

Defendant's allocution statement concludes.

3:09 p.m. The jury is excused for the evening. Court remains in session.

Juror No. 16 is present. Discussion is held regarding his planned trip.

Juror No. 16 leaves the courtroom.

Discussion is held. Upon agreement of the parties, Juror No. 16 will be allowed to go on his trip, but is to be designated as an alternate and remain under the admonition in the event two deliberating jurors are lost.

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Alternate Juror No. 13 is selected by lot as a deliberating juror to replace Juror No. 16.

3:17 p.m. Court stands at recess.

3:35 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Laura Ashbrook is present.

The jury is not present.

Final Penalty Phase Jury Instructions are settled.

Upon stipulation of counsel,

IT IS HEREBY ORDERED substituting another copy of Defendant's exhibit 123, in evidence, which is believed to have been taken by a witness.

Ms. Valenzuela moves to preclude the defense from comparing this defendant to other defendants who have committed murder in their closing argument.

Based on the avowal of Mr. Patterson that he will not argue this point, the Court finds the State's motion moot.

3:59 p.m. Court stands at recess until October 9, 2008 at 9:30 a.m.